

MINUTE ENTRY

CR-04-00038-001

January 11, 2005

3:05 p.m.

United States of America -v- Eric John Tudela Mafnas

PRESENT: HON. ALEX R. MUNSON, CHIEF JUDGE PRESIDING
MICHELLE C. MACARANAS, DEPUTY CLERK
SANAE N. SHMULL, COURT REPORTER
TIMOTHY MORAN, ASSISTANT U.S. ATTORNEY
ERIC JOHN TUDELA MAFNAS, DEFENDANT
BRIEN SERS NICHOLAS, ATTORNEY FOR DEFENDANT

PROCEEDINGS: INITIAL APPEARANCE / ARRAIGNMENT

Defendant Eric J.T. Mafnas appeared with retained-counsel Brien Sers Nicholas for today's hearing only. Attorney Sers Nicholas apprised the Court that Attorney David Lujan will represent the defendant in any further proceedings. Government was represented by Timothy Moran, ASUA.

Defendant was sworn and advised of the charges against him in the indictment and his constitutional rights.

Defendant Mafnas waived reading of the indictment and pled NOT GUILTY to the charges against him. Court ordered jury trial to begin on MONDAY, MARCH 14, 2005 at 9:00 a.m. Pretrial motions to be filed no later than Tuesday, January 25, 2005.

Government requested that the defendant be held in custody because of the defendant being a flight risk and a significant danger to the community. Defense argued on behalf of the defendant. Court ordered that the defendant be released on a \$25,000 unsecured bail under the following conditions:

1. Defendant shall not commit any offense in violation of federal, state or local law;
2. Defendant shall immediately advise the Court, defense counsel and the U. S. Attorney in writing before any change in address and telephone number;
3. Defendant shall appear at all proceedings as ordered by this Court or counsel and to surrender for service of any sentence imposed;
4. Defendant shall report to the Pretrial Services Officer for Supervision and Electronic Monitoring not later than Friday, January 14, 2005 at 9:00 a.m.;
5. Defendant shall surrender any passport to the Clerk of Court, U.S. District Court for the NMI and not obtain any other travel documents;
6. Defendant shall not leave the CNMI without prior written permission from the Court;
7. Defendant shall avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution unless accompanied by his counsel;
8. Defendant shall refrain from possessing a firearm, destructive device, or other dangerous weapons at his residence or place of employment;
9. Defendant shall refrain from use or unlawful possession of a narcotic drug or other controlled substance unless prescribed by a licensed medical practitioner;
10. Defendant shall submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and

include urine testing, the wearing of sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing;

11. Defendant shall refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring; and

12. Defendant shall be restricted to his residence every day from 6:00 p.m. to 6:00 a.m. with electronic monitoring at the defendant's expense.

The defendant is remanded back into the custody of the U. S. Marshal pending any paperwork.

Adj. 3:35 p.m.

Michelle C. Macaranas, Deputy Clerk
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